

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

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Website: <http://sumtercountyfl.gov/plandevlop>



SPECIAL MASTER HEARING February 26, 2009 @ 3:00 PM

Present: Special Master R. Lee Hawkins, Jr., County Attorney Shawn Brannagan and Attorney Jason Smith- Hogan Law Firm, Alysia Akins - Code Secretary, Dwayne Ausley - Inspector, Lee Hartman - Chief Inspector, Gary Rusu - Chief Inspector, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:02 PM and followed with the Pledge of Allegiance.

Attorney Brannagan reviewed and moved to enter the minutes of the Special Master Hearing from 1/29/09 into the record as presented.

Mr. Ausley, Mr. Hartman, and Mr. Kaman were sworn in.

OLD BUSINESS:

The following case has complied:

CE2008-0290/Morgan

The following case has complied with costs/fines due:

CE2008-0344/Popescu

The following case has not complied:

CE2008-0327/Howard

NEW BUSINESS:

The following cases received Affidavits of Pre-Hearing Compliance:

CE2008-0482/Canady

CE2008-0201/Kissinger

CE2008-0274/Caruthers

1) Case #: CE2008-0417

Name: Ronald W. Smith

Address: 3497 W. C-476/Bushnell

Violation: 6-104(2) and 13-E.3.1.2 SHC 305.15

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 9/29/08. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 2/26/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 2/26/09 into the record. Mr. Kaman testified Mr. Smith complied with 13-E.3.1.2 SHC 305.15; however, construction debris remains on the property. Mr. Kaman testified Mr. Smith spoke with Mrs. Akins and Mr. Rusu regarding the violations on the property.

Mr. Kaman recommended the Respondent bring the property into compliance by removing the debris and paying staff costs of \$326.06 within 5 days. If not, a \$100 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the debris remaining on the property. The Respondent was ordered to bring the property into compliance by removing the debris within 5 days upon receipt of the Order. Costs in the amount of \$326.06 were ordered to be paid within 5 days upon receipt of the Order. If not, a \$100 daily fine will be assessed until the property is found in compliance and costs are paid.

2) Case #: CE2008-0493

Name: Margaret Palka Truss

Address: 8860 CR 121, Wildwood

Violation: 6-104(3), 13-E.3.1.2 SHC 304, and 13-E.3.1.2 SHC 302.1

Inspector: Lee Hartman

Recommendation: **HEAR CASE**

The Respondent's son, Mr. Thomas Edward Palka, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted. The property does not have homestead exemption. Mr. Hartman submitted photographs of the violations, dated 2/26/09, into the record. Mr. Hartman's last visit to the property was on 2/26/09, and the property was not in compliance. Mr. Hartman testified he had not been inside the residence to inspect any code violations. Mr. Hartman testified the tenant informed him the residence had been struck by lightning, which caused the receptacles to smoke and the outlets to be inoperable. Mr. Hartman testified the tenant also informed him the septic tank had backed up into the shower.

Mr. Palka testified the tenant notified him in July 2008 of the lightning damage, in which he advised her to contact an electrician to resolve the problems. Mr. Palka testified the tenant informed him in November 2008 that the refrigerator was broken and there was no electric. Mr. Palka inquired about the contractor licensing and permitting requirements.

Mr. Palka testified he is only in this area once a year and that his mother (owner) has cancer. Mr. Palka verified his correct mailing address and discussed providing proof of any corrected violations.

Mr. Hartman recommended the Respondent bring the property into compliance by verifying with a licensed contractor that all electrical and sewage services are in compliance, obtaining any necessary permits, and paying costs in the amount of \$371.06 within 1 week. If not, a \$50 daily fine be assessed until compliance is met and costs are paid.

Special Master Hawkins found the property in violation due to the alleged sewage and electrical issues. Costs in the amount of \$371.06 were ordered to be paid and the property be brought into compliance within 2 weeks of receipt of this Order by verifying all sewage and electrical issues have been corrected and any necessary permits are obtained by a licensed contractor. If not, a \$50 daily fine will be in effect until the property is found in compliance and costs are paid.

3) Case #: CE2008-0134
Name: Russell K. Thompson
Address: 3653 CR 405DW, Lake Panasoffkee
Violation: 6-104(4)
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 4/9/08. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 2/26/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 2/26/09 into the record.

Mr. Ausley recommended the Respondent bring the property into compliance by removing the inoperable boat and trailer and paying staff costs of \$371.06 within 5 days. If not, a \$20 daily fine is ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the inoperable boat and trailer on the property. The Respondent was ordered to bring the property into compliance by removing the inoperable boat and trailer or obtaining current tags for each, and paying costs in the amount of \$371.06 within 5 days of the receipt of this Order. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

4) Case #: CE2008-0158
Name: Brian Sweney
Address: 592 CR 487, Lake Panasoffkee
Violation: 13-51(A)(2)(A)
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondent was not present; however, he had called Mr. Ausley prior to the hearing and informed him that he was out of state and would not be back for the hearing. This case was continued until the March 26, 2009 hearing.

5) Case #: CE2008-0459

Name: Katherine E. Marquis/Countrywide Home Loans, Inc.

Address: 1877 CR 422, Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 11/12/08. The property has homestead exemption. Mr. Ausley's last visit to the property was on 2/26/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 2/26/09 into the record. This property has been foreclosed upon, in which both the previous and current owners were notified appropriately.

Mr. Ausley recommended the Respondent bring the property into compliance within 5 days by mowing/maintaining the property and paying staff costs of \$371.06. If not, a \$100 daily fine is ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth. The Respondent was ordered to bring the property into compliance by mowing/maintaining the property and paying costs in the amount of \$371.06 within 5 days of receipt of this Order. If not, a \$100 daily fine will be assessed until the property is found in compliance and costs are paid.

6) Case #: CE2008-0317

Name: Giant Oil, Inc.

Address: 1409 N. C-470/Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **COMPLIED**

This case was found in compliance and an Affidavit of Compliance will be issued.

There was no other business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:32 PM.